

DEKALB COUNTY DRAINAGE BOARD MEETING

September 21, 2023

Drainage Commissioners Present:

Bruce Bell, II, Chair

William L. Hartman, Member

Michael V. Watson, Member

James A. Miller, Member

Others Present:

Glenn Crawford, County Surveyor

Tyler Lanning, Lead Survey Tech

Michelle Lassiter, Secr. /Drainage Board Adm.

Shannon Kruse, Attorney

Troy Bungard, Survey Tech

Guests:

See Sign-In Sheet Last Page of Minutes

Absent:

Sandra M. Harrison, Vice-Chair

Chair Bruce Bell, II, called the September 21, 2023, regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m.

APPROVAL OF MINUTES

A motion was made by Jim Miller to accept the Minutes of September 7, 2023, as presented as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Mike Watson, and the motion carried.

APPROVAL OF CLAIMS

Mr. Bell asked for a motion for Ms. Kruse's October stipend of \$1,295.00. Bill Hartman moved to approve Ms. Kruse's September stipend of \$1,295.00, Jim Miller seconded the motion, and the motion carried.

PLATTED SUBDIVISION DRAINAGE PLANS**REPLAT OF WOODWARD ESTATE – 0866 COUNTY ROAD 34**

The DeKalb County Drainage Board reviewed the drainage plan for the Replat of Woodward Estates, located at 0866 County Road 34 between County Road 7 & State Road 327. This development is located within the watersheds of the John Diehl Regulated Open Drain No. 45-00-0✓ and the Cedar Creek Regulated Open Drain No. 470-00-0✓.

The landowner Mike Woodward was present and explained the replat was so the proposed new house would meet the zoning setbacks due to soil conditions.

The Board accepted the Surveyor's Drainage Report, which stated "In regards to the proposed subdivision replat I see no drainage issues."

Mike Watson moved to approve the drainage plan drawings dated 09.12.2023, signed and stamped by Michael C. Vodde, Land Surveyor, of Anderson Surveying, Inc., with the Surveyor's recommendations, the motion was seconded by Jim Miller, and the motion carried.

UTILITY PERMITS**FRONTIER COMMUNICATIONS – 0025 COUNTY ROAD 68 SERVICE DROP**

Mr. Crawford stated he approved the utility permit with the conditions that the installation crew pothole the drain while crossing it and that the Surveyor's Office be given a forty-eight-hour notice prior to the crossing. He noted that the utility agreement had been signed by a Frontier representative.

Mike Watson moved to approve the utility permit with the Surveyor's conditions and recommendations. Bill Hartman seconded the motion, and the motion carried.

CHANGE ORDERS**CHANGE ORDER #2 – RECONSTRUCTION – E. P. SHERWOOD DRAIN NO. 162-00-0**

Mr. Crawford presented Change Order #2 for the reconstruction of the E. P. Sherwood Tile Regulated Drain No. 162-00-0. The change order was for the additional work needed in connecting the E. P. Sherwood Lateral 1 Tile Regulated Drain No. 162-01-0 to the newly reconstructed drain. The costs included clearing brush and trees over the Lateral 1 (\$5,000.00) and the installation of 180 feet of 8-inch tile at \$9.00 per foot (\$1,620.00) for a total of \$6,620.00

Mr. Lanning explained that former County Surveyor, Mike Kline, had anticipated there would be engineering decisions needed in the field for the reconnection of the Lateral 1. The reconnection turned out to need a longer run of tile than anticipated, which in turn required a lot of brushing and clearing.

Bill Hartman moved to approve Change Order #2 for the E.P. Sherwood Drain No. 162-00-0 reconstruction total of \$6,620.00 for the reconnection of the E.P. Sherwood Lateral 1 Tile Drain No. 162-01-0. Jim Miller seconded the motion, and the motion carried.

SURVEYOR'S REPORT

Mr. Bell asked for the Surveyor's Report and the surveyor's staff provided the following information:

The surveyor's staff presented a Consent & Waiver for the *George Dilley Tile Regulated Drain No. 154-00-0*, reminding the Board that the drain had been reconstructed in 2021 by Clifford Excavating which was hired by George Brand without the Board's approval. Mr. Brand and Mr. Jeff Landis had been to the Board in 2021 for a meeting after the reconstruction was brought to the County Surveyor's attention. The legal drain ran across Mr. Landis' property and Mr. Landis did not want the drain vacated. At the 2021 meeting the Board decided to have the current legal drain become a lateral with the reconstruction becoming the main drain. The Board was informed Consent & Waiver presented was drawn up according to that decision and the Surveyor's Office was asking the Board to accept the Consent & Waiver to clean up the drain records. Mrs. Christine Brand had provided the Surveyor's Office with copies of the paid invoices for the reconstruction. Mr. Crawford explained that Fraco tile had been purchased from Hixon Sand & Gravel for the reconstruction. Bill Rychener of the Surveyors field staff had been out to the site, and knew where the new tile route was located, but had not been able to get GPS shots.

**DEKALB COUNTY DRAINAGE BOARD FINDINGS OF FACT FOR RECONSTRUCTION
OF A PORTION OF DRAIN BY CONSENT AND WAIVER**

NAME OF DRAIN: George Dilley

NUMBER: 154-00-0

THE BOARD MAKES THE FOLLOWING FINDINGS OF FACT FOR THE RECONSTRUCTION OF A DRAIN:

These are the proposed findings, which are not final until adopted by the Board:

1. The petition previously filed for this drain is admitted into evidence.
2. The drain has been classified and previously placed on the priority list of the long-range plan of the Board.
3. There are no damages to any landowner.

4. None of the following benefit factors of Section 112 of the Indiana County Drainage Board Code are excluded:
- (1) The watershed affected by the drain to be maintained.
 - (2) The number of acres in each tract.
 - (3) The total volume of water draining into or through the drain to be reconstructed, and the amount of water contributed by each landowner.
 - (4) The land use.
 - (5) The increased value accruing to each tract of land from the reconstruction.
 - (6) Whether the various tracts are adjacent, upland, upstream, or downstream in relation to the main trunk of the drain.
 - (7) Elimination or reduction of damage from floods.
 - (8) The soil types; and
 - (9) Any other factors affecting the reconstruction.
5. That consent to the reconstruction of the drain and a waiver of the public hearing has been signed by the affected landowners and is hereby admitted into evidence.
6. That the Surveyor's report with maps and drawings to the Board is received as evidence and approved by the Board, and the facts therein are found to be true.
7. That all lands included in the watershed are assessed.
8. That no lands outside the watershed are assessed.
9. That none of the benefits assessed against any landowner are excessively applied.
10. That no further evidence is required for the Board to make a decision.
11. That the Board has jurisdiction of this drain under the Indiana County Drainage Board Code.
12. That the drain is in need of periodic maintenance after the reconstruction.
13. That there has been no evidence that a combination of drains is required.
14. That the drain cannot be made to perform the function for which it was designed and constructed and cannot be made to properly drain all affected land under current conditions.
15. That the work proposed by the Surveyor to be performed on this drain do the following: (Check the items that apply)
- A. ☐ Converts all or part of an open drain to a tiled drain.
 - B. ☐ Converts all or part of a tiled drain to an open drain.
 - C. ☐ Adds an open drain to a tile drain.
 - D. ☐ Adds a tiled drain to an open drain.
 - E. ☒ Increases the size of a tile.
 - F. ☐ Deepens an open drain, if any.
 - G. ☐ Widens an open drain, if any.
 - H. ☒ Extends the length of the drain.
 - I. ☒ Changes the course of the drain.
 - J. ☐ Includes construction of a drainage detention basin.
 - K. ☐ Includes construction of a drainage control dam.
 - L. ☐ Provides for an erosion control structure.
 - M. ☐ Provides for grade stabilization structure, and;
 - N. ☐ Makes any major changes to a drainage system that would be of public utility.
16. That the proposed improvement will result in the benefits to the watershed in excess of the costs of reconstruction in that it will:
- A. ☒ Result in reclamation of agricultural land.-
 - B. ☐ Result in increased safety on public highways in or near said watershed.
 - C. ☐ Result in longer life and fewer repairs of public highways in or near said watershed.
 - D. ☐ Decrease the threat of insects, pests, and their related diseases.

- E. X Increase yields of farm crops from land within the watershed.
F. Increase the values of land within the watershed.
G. X Reduce damage from flooding.
H. Other (Specify)_____.
17. That there has been no evidence that the drain has been abandoned by the Board.
 18. That the current legal drain shall become known as the George Dilley Lateral 1 Regulated Drain No. 154-01-0.
 19. That all relevant documentation in the files of the Surveyor and the Board regarding this drain are received into evidence by the Board.
 20. That the schedule of assessments as originally filed are adopted by the Board.
 21. That the Administrative Assistant of the Board shall publish notice of the Board's Final Order as required by the Indiana Drainage Board Code.
 22. That the Final Order form of the Board is approved for this drain, and is adopted to the extent it can be made consistent with these Findings and the Final Order of the Board.
 23. That the undersigned owners of land consent to hold the DeKalb County Drainage Board, and the DeKalb County Surveyor harmless from any liability, and agree to indemnify them, with the attorney fees, in the event of any objecting person;
 24. That the undersigned owners of land covenant not to sue the DeKalb County Drainage Board and the DeKalb County Surveyor in consideration of the Board approving and ordering this portion of reconstruction;
 25. That the undersigned agree the cost damages and expenses of the proposed reconstruction will not exceed the benefits that will result to the owners of all the land affected and each of the undersigned is an owner of land assessed and benefited, and the benefits assessed to the land of each of the undersigned is not excessive;
 26. That the undersigned waive any right of objection or legal appeal of the action of the Drainage Board in approving this request and consent;
 27. That there is no knowledge of any adverse effect to the land of the undersigned, or any other lands affected by this proposed reconstruction;
 28. That the request of the DeKalb County Drainage Board is to make these facts as Findings and order the proposed reconstruction as established;
 29. That George and Christine Brand shall pay the cost for the reconstruction using 6-inch, 8-inch, 10-inch and 12-inch HDPE dual wall tile bedded in stone.
 30. That it is agreed that the reconstruction shall be accomplished under the provisions of Section 52.5 of the Indiana County Drainage Board Code.
 31. That the General Drain Fund has enough balance to support purchasing the materials;
 32. That the DeKalb County Surveyor recommends this be approved as presented.

Mike Watson moved that the Board approve the Findings of Fact, numbers 1 through 31, as submitted, seconded by Bill Hartman, motion carried. A motion was then made by Mike Watson to adopt the Petition for Reconstruction of said drain, seconded by Bill Hartman, motion carried.

FINAL ORDER OF RECONSTRUCTION OF GEORGE DILLEY TILE DRAIN NUMBER 154-00-0 UNDER SECTION 32-9-27-52.5

The DeKalb County, Indiana Drainage Board (hereinafter referred to as "Board") based upon its Findings of Fact now renders its Final Order on the petition for reconstruction of the George Dilley Tile Drain, the same being Numbered 154-00-0 in the records of the Surveyor of DeKalb County, IN. After due consideration of all reports, evidence, testimony, and other information

presented through the course of this public meeting and the Findings of Fact of the Board, the Board now enters its FINDINGS:

1. Date of Consent & Waiver. The Surveyor of DeKalb County (hereinafter referred to as "Surveyor") received a request by a landowner (George & Christine Brand and Jeff Landis) for the construction of a portion of a regulated drain solely on the lands of the landowners at that landowners' cost and proceeded to prepare the reconstruction report for this drain under Drainage Code Section 32-9-27-52.5 on or about September 21, 2023. The landowners who signed the Consent & Waiver were as follows:
George Brand, Christine Brand, and Jeffrey Landis
2. Jurisdiction. That the existing drain is a regulated drain, and is within the jurisdiction of this Board, pursuant to I.C. 36-9-27-15.
3. Report of Surveyor. That the Board requested the Surveyor to report pursuant to I.C. 36-9-27-52.5, which report was filed and presented to the Board on September 21, 2023, in the Derald D. Kruse Commissioner's Court, 2nd Floor DeKalb County Courthouse, Auburn, IN., at a public meeting of the Board.
4. Schedule of Assessments. The landowner requesting the reconstruction of the regulated drain shall pay the entire cost of the project.
5. Consent and Waiver. That consent to the reconstruction of the drain and a waiver of the public hearing has been signed by the affected landowners and is hereby admitted into evidence.
6. Legal Notice of Hearing. No special legal notice of hearing was required under Drainage Code Section 52.5.
7. Mailed Notice of Hearing. No mailed notice was required under Drainage Code Section 52.5.
8. Department of Natural Resources. No notice was required to be sent to the Indiana Department of Natural Resources under Drainage Code 52.5.
9. Objections Filed. The Board heard no objections.
10. Evidence Concerning Objections. No objections were received.
11. Hearing. Notice and public hearing were not required under Drainage Code Section 52.5 but the Board at a public meeting heard the reconstruction request.
12. Disposition of Objection. No objections were received.
13. Amendments to Surveyor's Report. Upon the record developed, the Board made no amendments to the report of the Surveyor, except as may be shown in the Minutes Book of the Board.
14. Periodic Maintenance. Said improvement is in need of periodic maintenance and currently is on maintenance.
15. Reconstruction. That the present drain is in need of reconstruction.
16. Type of Improvement. That the proposed improvement is a reconstruction within the meaning of I.C. 36-9-27-34(a).
17. Improvement Justification. Pursuant to I.C. 36-9-27-52(I), the Board finds that the proposed improvement will result in benefits to the watershed in excess of the costs of reconstruction.
18. Special Assessments. None.
19. Damage Awards. None.
20. Reduced Benefits. None.
21. FINDINGS OF FACT. After hearing all the evidence presented at the hearing, for and against, the Board made the findings required by Drainage Code Section 52.5 as reported in the Minute Book on Page **165** in the Drainage Board Minute Book Number 17.

NOW, THEREFORE, IT IS ORDERED by the Drainage Board of DeKalb County that:

- A. The Board adopts the Findings as true and accurate for this proceeding.

- B. The report of the Surveyor and the reconstruction of a portion of the regulated drain at the costs of the affected landowner as provided under Drainage Code Section 52.5 is hereby approved and adopted by the Board and the improvement established; and
- C. A periodic maintenance fund has been established for the periodic maintenance of the improvement; and
- D. Public announcement of said order is hereby made at the said public meeting on this improvement; and
- E. The Administrative Assistant of the Board is directed to cause notice of this action to be published immediately in a newspaper of general circulation throughout DeKalb County, IN., which notice shall identify the drainage reconstruction and state that the Findings and Order of the Board have been filed and are available for inspection in the office of the Surveyor of DeKalb County, all in accordance with and pursuant to I.C. 36-9-27-52(I); and
- F. If judicial review of the Findings and Order of the Board is not requested pursuant to I.C. 36-9-27-106(a) through 36-9-27-109(a) within twenty (20) days from the date of publication of the aforesaid notice, the Findings and Order shall become conclusive and the Surveyor shall proceed to reconstruct the improvement according to law.

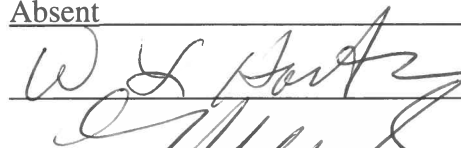
Dated at Auburn, Indiana, this 21st day of September, 2023.



Bruce Bell, II, Chairman

Absent

Sandra M. Harrison, Vice-Chairman



William L. Hartman, Member



Michael V. Watson, Member



James A. Miller, Member

Mr. Miller asked Mr. Crawford whether Kevin Albright could get a permit from IDEM to dip a portion of the *A. L. Ober Open Drain No. 24-00-0* located within a wetland. Mr. Crawford stated that his office was waiting for a permit from IDEM. Mr. Crawford further explained that acquiring a permit from IDEM was a process and it was a new process for him and Mr. Lanning.

Mr. Lanning stated that the surveyor's staff was working to finalize the *Levi Dennison Tile Regulated Drain No. 317-00-0* to bring it to the Board for a public hearing date to be signed.

Mr. Lanning stated that a landowner in the watershed for the *John Lash Tile Regulated Drain No. 317-00-0* would be submitting a Consent & Waiver petition for the reconstruction of a portion of the drain. This drain was a joint drain with Noble County located along County Road 36.

Mr. Lanning stated that the *E. P. Sherwood Tile Regulated Drain No. 162-00-0* reconstruction would be completed by the end of next week. Knott's Excavating would then return to the *James Ferguson Warner Lateral Tile Regulated Drain No. 86-53-0* reconstruction site to repair the driveway, complete the final grade, and seed the site.

Mr. Lanning explained to the Board that he had received a call from an Indiana Department of Transportation representative regarding the *Guy Platter Tile Regulated Drain No. 112-00-0* State

Road 8 crossing permit. It appeared that all the email communication from INDOT was being sent to Nathan Frye's email address. The representative called to see why he wasn't getting any responses. INDOT's emails were based on the State's electronic permitting system and whomever submitted the permit request. Mr. Lanning is emailing directly with the INDOT representative and the permit is near completion. The surveyor's staff will need to coordinate with Knott's Excavating to get the job completed before the asphalt plants close for the season.

Mr. Bell called for a break at 8:50 a.m. before beginning the scheduled public hearing.

PUBLIC HEARING

FRED GROSCUP TILE DRAIN NO. 352-00-0 (SOUTH DRAIN NO. 352-80-0 & NORTH 352-60-0) RECONSTRUCTION HEARING

Mr. Bell called to order at 9:00 a.m. the public hearing for the *Fred Groscup Tile Drain No. 352-00-0*: "WE CALL THIS HEARING TO ORDER TO BEGIN THE PROCEEDINGS. THIS HEARING IS FOR THE PURPOSE OF RECEIVING EVIDENCE FOR THE FOLLOWING DRAINAGE MATTERS: RE-REGULATION OF A VACATED PORTION OF THE DRAIN, COMBINATION OF THE DRAIN, AMENDED PERIODIC MAINTENANCE, DESIGNATION OF AN URBAN DRAIN, AND RECONSTRUCTION."

Mr. Bell stated: Notices had been filed with the Board. Notices were sent by First Class Mail to landowners on August 17, 2023, and a Public newspaper notice appeared on September 6, 2023, in The Star.

Mr. Bell stated that each person in attendance was requested to write his or her name, address, and name of any group or firm represented on the sign-up sheet at the entrance of the room.

Mr. Bell then requested for the Surveyor to report on any petitions filed of record, dates of filing, and persons who signed the filing.

Mr. Crawford stated that there were no petitioners. The request was coming from the County Surveyor in response to flooding complaints in the watershed.

Mr. Bell then informed the audience that the procedure for conducting the hearing would be as follows: the surveyor's report would be given, then any petitioners would have a chance to speak, objections would be heard, and then there would be a time for questions and answers.

Mr. Bell asked the Surveyor to give his report, including the history of the drain, the Surveyor's recommendations, and an explanation of the watershed.

Mr. Crawford delivered the following Surveyor's Report for the Fred Groscup Drain No. 352-00-0 Reconstruction

The earliest record of the drain is from 1883. A combination of the drains: Fred Groscup North Drain No. 352-60-0, Fred Groscup South Drain No. 352-80-0, and the vacated portion of Fred Groscup Drain No. 352-00-0. First petitioned for reconstruction in 1969. The earliest reports of flooding issues in Woodview Estates Subdivision were in 1977.

Existing tile by record	1444 feet of 15-inch diameter (No. 352-60-0 / Updated 1883)
	465 feet of 15-inch diameter (No. 352-00-0 / Vacated 2000)
	1480 feet of 18-inch diameter (No. 352-80-0 / Updated 2010)
	<u>4172 feet of 15-inch diameter (No. 352-80-0 / Updated 1883)</u>
	7561 total feet of tile

The drain is in need of reconstruction in the Surveyor's opinion because;

- (1) It will not perform the function for which it was designed and constructed;
- (2) Its ineffective functioning has led to repeated residential parcel flooding;
- (3) It no longer conforms to the maps, profiles, and plans prepared at the time when the legal drain was established and;
- (4) Changes have made the drain inadequate to properly drain the lands affected without extensive repairs or changes.

The drain was installed in the late 1800s, has deteriorated to a non-working condition, and was not designed to handle the present amount of drainage from the watershed.

With the increased use of the land for residential purposes which brings additional hard surfaces and additional runoff from storm events, with the increase in rainfall due to increased intensity of storm events, with the age of the tile and the deterioration of the tile and collapsing due to tile failure, with the poor grade and slope of the tile which decreases the water carrying capacity of the tile, and with the general poor condition of the tile system, the Fred Groscup Drain No. 352-00-0 is in need of reconstruction.

Additionally, the expansion of developing residential and commercial lots around the City of Garrett has begun the process of changing tracts within the watershed from rural land to urban land and provides the need to designate the Fred Groscup Drain No. 352-00-0 as an urban drain. I recommend this urban drain to have an allotted right of way of 40 feet on both sides of the drain, enabling and assisting further development plans within this watershed. I recommend that none of the properties be classified as rural. It is also my recommendation that the maximum allowable discharge in a one-hundred-year storm be limited to 0.25 cfs per acre once the ground is developed. Urban drains also receive the benefit of allowing 20 years to repay the reconstruction costs, as opposed to 5 years of a rural drain reconstruction.

Total acres in the watershed	363.56 acres
Total landowners in watershed	238
Total land parcels in watershed	351

The proposed reconstruction for the Fred Groscup Drain No. 352-00-0 system would consist of the following:

1941 feet of 30-inch Dual Wall Tile
 1018 feet of 30-inch Solid Wall Tile
1213 feet of 24-inch Dual Wall Tile
 4172 feet total of tile with all the fittings and parts necessary for a complete system.

Total engineer's estimate for pipe, fittings, stone, installation, and restoration is \$280,379.61.

Cost per acre is $\frac{\$280,379.61}{363.56 \text{ acres}} = \771.21 per acre

The final cost to the landowners will be determined by the final cost of the project.

Bids will be taken for pipe and fittings, stone backfill, installation of pipe and stone, and restoration of the site. The bids for the project cannot exceed the engineer's estimate by more than 10% or the project must stop and be rebid.

I would also ask the Drainage Board to increase the existing maintenance assessments to an amount of \$15.00 per acre on agriculture ground, \$30.00 per acre on residential ground, and \$45.00 per acre on commercial ground for future collections for maintenance as necessary to provide adequate funds to keep the new drain in good repair. Each parcel will be assessed a minimum amount of \$25. This will provide an annual assessed maintenance amount of \$16,036.81.

I would respectfully ask the Drainage Board to approve the reunification of the Fred Groscup North Drain No. 352-60-0, Fred Groscup South Drain No. 352-80-0, and vacated portion of Fred Groscup Drain No. 352-00-0 into the Fred Groscup Drain No. 352-00-0, the reconstruction of the Fred Groscup Drain No. 352-00-0, the declaration of the Fred Groscup Drain No. 352-00-0 as an Urban Drain with a 40 foot right of way, and an update to the Fred Groscup Drain No. 352-00-0 maintenance assessments at the suggested values.

Mr. Bell then asked if any Board member or other person had questions to ask the Surveyor about the technical aspects of the Surveyor's Report.

Mr. Miller and Mr. Hartman asked Mr. Crawford why there was solid tiling proposed for the section of the drain on the south side of the Woodview subdivision. Mr. Lanning explained it was to try to prevent the tile from becoming clogged with tree roots as it was currently. He further explained that there would be inlet structures along the run to allow for water to enter the system.

There were no other technical questions for the Surveyor.

Mr. Bell then asked Mr. Crawford if all lands within the watershed were assessed. Mr. Crawford responded there were. Mr. Bell asked Mr. Crawford if all benefits assessed were not excessive. Mr. Crawford responded the benefits assessed were not excessive. Mr. Bell asked Mr. Crawford if the costs, damages, and expenses of the reconstruction were less than the benefits accruing to the owners of the land benefitted by the reconstruction. Mr. Crawford responded they were.

Mr. Bell then asked if there were any persons present who wished to speak in favor of the project. Ms. Kruse then reiterated that those who were in favor needed to speak as the Board had to consider all evidence presented and if the negative was more than the positive it would influence the Board's decision.

Susan Miller of 1713 Woodview Drive took the floor stating that she was greatly affected by the flooding due to the drain's failure to work. Ms. Miller stated that she wanted the project to go forward. She further stated that she would have paid thousands of dollars years ago for the drain to be repaired and asked the Board to go forward with the reconstruction project.

Tony McFerron of 1701 Woodview Drive took the floor next stating that the flooding took up her entire backyard at times and asked the Board to please get rid of the water.

Mr. Bell asked the Surveyor for any timely written objections to be presented. Mr. Crawford stated there were no written objections submitted.

Mr. Bell asked if there were any other persons who wished to speak against the project.

Tami Best of 2105 Maple Lane took the floor next to ask why the reconstruction wasn't covered by property taxes. Mr. Lanning, Mr. Bungard, and Ms. Kruse explained that property taxes per state

code were not used for drains. Drains maintenance and reconstruction were assessed only to those landowners who owned land within the watershed. Landowners were assessed on a yearly basis as needed for maintenance. However, per state code, a maintenance account could only hold the equivalent of four years of assessments. The maintenance was used for smaller repairs and the reconstruction was used for large repairs and reconstruction of the drain as a whole. It was explained that there was an estimate on each landowner's notice for their portion of the reconstruction, plus the maintenance assessment amount being proposed. The maintenance amount was being amended to help the surveyor be able to do maintenance since the costs have gone up since the current maintenance assessment was set.

Next, Dan Degitz of 1819 Woodview Drive took the floor. Mr. Degitz stated there had been broken tile in the bend in the field for years. Mr. Degitz wanted to know if the reconstruction cost was a one-time fee. Mr. Lanning stated yes, that the reconstruction assessment was a one-time fee. The maintenance assessment would be collected as needed for regular maintenance of the tile. Mr. Lanning explained that all the land shown in the watershed map was the land that drained into the tile and that the trees along the tile were being removed.

Denis Gall of 1405 Capital Court took the floor asking how the assessment would be billed. Staff explained that there would be a bill sent out after the reconstruction was complete, the expenditure account audited and the total determined. The bill would have two columns. One column would show the property owner's total due. The second column would show the first installment due should the landowner want to pay in installments. The installment plan would allow the payments to be spread over twenty years. However, due to the stated code, there would be a 10% interest charged for years two through twenty. Additionally, with the installment plan, the payments going forward would be on the bottom of their property tax bill.

Steve Vallance of 2108 Shady Lane took the floor asking what portion of the drain was reconstructed in 2010. Staff explained the section reconstructed in 2010 was from the JAM Center south to the point where the current reconstruction was proposed to be started. Ms. Kruse explained that that section was reconstructed using a grant that was issued due to the JAM Center serving underprivileged youth. The grant was not large enough to complete the drain reconstruction at that time. Mr. Vallance was upset that the drain had been failing for fifty years and now the current owners were having to pay for the reconstruction.

Steve Rowlison of the Assman Corporation located at 300 North Taylor Road took the floor to ask if the tile on the maps denoted by a red and white dashed line near his company was being reconstructed. It was explained that the noted section was a vacated portion of the drain no longer maintained by the county and would not be reconstructed. Mr. Rowlison asked if Assman Corp. would still be assessed. Mr. Lanning explained that Assman Corp would be assessed as it was located within the watershed and its stormwaters still entered the system and that by state code all land within the watershed was to be assessed. Mr. Rowlison asked if the drain reconstruction would affect the duck pond by his company's building. It was explained that the reconstruction would not affect the pond.

Steve Newmann of 405 Columbian Run took the floor to ask for a timetable for the project. Mr. Lanning explained that if the project were approved by the Board then requests for bids would be sent out, the Board would open and award the project to a contractor, and the project would be started this winter after harvest, with the completion to hopefully be completed by planting season.

Mr. Bell asked if there were any further questions or comments from any other person present. There being none, Mr. Bell moved forward with the hearing by stating that he would now entertain a

motion to approve or deny the objections. It was noted there were no written objections submitted and only one true verbal objection from Mr. Steve Vallance and no need to have a vote.

Mr. Bell then stated that the Board would now begin the decision-making process.

- Mr. Bell asked if any member of the Board desired any further evidence in order to make a decision. The Board replied no.
- Mr. Bell asked if the Board should be adjourned and reconvened to another date in order to obtain further evidence. The Board replied no.
- Mr. Bell asked if more than fifty percent of the acreage of the vacated portion of the drain affected would be benefited by the re-regulation of that portion of the drain. The Board replied yes.
- Mr. Bell asked if the benefits would likely be greater than the damages which may be suffered by the landowners by reason of making the vacated portion regulated. The Board responded yes.
- Mr. Bell asked if the schedule of amended periodic maintenance assessments should be changed. The Board responded to amend the periodic maintenance as per the Surveyor's request.
- Mr. Bell asked if the schedule of reconstruction assessments should be changed in any way. The Board replied no.
- Mr. Bell asked if the Surveyor's Report should be approved as finally presented. The Board replied yes.

Mr. Miller asked if there was evidence that the non-regulated portion was abandoned. Mr. Watson stated it was vacated, not abandoned.

Mr. Bell then requested the Board attorney to read the Findings of Fact for the Board to consider and then asked the Board for a motion to approve the Findings of Fact.

Mr. Bell further asked for a motion to adopt the petition and the surveyor's report for the following for the drain: re-regulation of a vacated portion of the drain, combination of the drain, amended periodic maintenance, designation of an urban drain, and reconstruction, or in the alternative, a motion to dismiss the petition on the said drain.

DEKALB COUNTY DRAINAGE BOARD FINDINGS OF FACT FOR RECONSTRUCTION

NAME OF DRAIN: FRED GROSCUP TILE

DRAIN NUMBER: 352-00-0

THE BOARD MAKES THE FOLLOWING FINDINGS OF FACT FOR THE
RECONSTRUCTION OF A DRAIN:

1. The public hearing has been and is being recorded in digital form.
2. There were no petitions previously filed for this drain to be admitted into evidence.
3. The drain has been classified, and previously placed on the priority list of the long-range plan of the Board.
4. There are no damages to any landowner.
5. None of the benefit factors of Section 112 of the Indiana County Drainage Board Code are excluded.

6. All landowners, sent notices of the proposed assessment, have lands within the watershed.
7. Notices by mail and by newspaper have been properly and timely made as required by the Indiana County Drainage Board Code for public hearing.
8. That any and all assessments are paid at the same base rate per acre with a reconstruction.
9. That the Surveyors report to the Board with maps and drawings is received as evidence, approved by the Board, and the facts therein are found to be true.
10. That all of the lands included in the watershed are assessed.
11. That no lands outside the watershed are assessed.
12. That none of the benefits assessed against any landowner are excessive.
13. That no further evidence is required for the Board to make a decision.
14. That all persons desiring to speak, in person or by counsel, have been permitted to present their evidence orally or in writing.
15. That no timely objections, have been heard, discussed, replied to by the Surveyor, and ruled on by the Board.
16. That all persons present have been given adequate opportunity to ask questions of the Surveyor, the Board, or other persons present.
17. That no person has objected to the procedure of the Board during the public hearing.
18. That the Board has jurisdiction of this drain under the Indiana County Drainage Board Code.
19. Previously Vacated Made Regulated. That the previously vacated portion of the Fred Groscup South Drain is now made regulated in that:
 - a. This Drain the drain does meet the standards of design and construction established by Section 36-9-27-29 of the Drainage Code.
 - b. That the Surveyor has defined the general route and location of the drain proposed to be made regulated.
 - c. That the owners of more than fifty percent (50%) in acreage of the affected land will be benefited if the drain is made a regulated drain.
 - d. That the benefit to owners benefited is likely to be greater than the damage to owners damaged by reason of the mutual drain portion being made a regulated drain.
 - e. That the drain will be subject to the easement under Section 36-9-27-33 of the Drainage Code.
20. Combination. That the drain is in need of combination.
21. That any drains combined into one unit in the public hearing are done so in accordance with the following requirements:
 - a. That the drains are all tiled.
 - b. That there is uniformity of topography and soil types throughout the unit.
 - c. That the entire unit represents substantially the same maintenance problem throughout.
 - d. That the drains in said unit can be kept in proper repair at a cost sufficiently uniform as to constitute no substantial inequity for any owner included in the unit.
 - e. That the creation of said unit is economically favorable and feasible with due regard to the expense of maintaining separate records for each drain if no unit were established.
22. Reconstruction. That the drain cannot be made to perform the function for which it was designed and constructed and cannot be made to properly drain all affected land under current conditions. Topographical or other changes have rendered the drain inadequate to properly drain the lands affected without extensive repair or changes.
23. That the work proposed by the Surveyor to be performed on this drain does the following:
 - a. Increases the size of the tile;
 - b. Changes the course of the drain and;

- c. Changes the depth of the tile
- 24. Periodic Maintenance. That the drain is in need of periodic maintenance after the reconstruction in that this drain can be made to:
 - a. Perform the function for which it was designed and constructed.
 - b. To properly drain all affected land under current conditions, by periodically:
 - i. Cleaning it.
 - ii. Spraying it.
 - iii. Removing obstructions from it, and
 - iv. Making minor repairs to it.
- 25. That there has been no credible evidence presented to the Board to vacate the drain.
- 26. That the proposed improvement will result in benefits to the watershed in excess of the costs of reconstruction in that it will:
 - a. Result in reclamation of agricultural land;
 - b. Decrease the threat of insects, pests and their related diseases;
 - c. Increase the values of land within the watershed;
 - d. Reduce damage from flooding;
- 27. Urban Drain Designation. That under the factors of in Indiana Code 36-9-27-69, this Drain shall be designated as an Urban Drain and the easement for this drain is now reduced from seventy-five (75) foot to a forty-foot (40) foot easement on each side of the drain at right angles to the center line of any tile drain, and to the top edge bank of an open drain under Section 36-9-27-33 of the Drainage Code.
- 28. That there has been no evidence that the drain has been abandoned by the Board.
- 29. That all relevant documentation in the files of the Surveyor and the Board regarding this drain are received into evidence by the Board.
- 30. That the schedule of assessments as originally filed are adopted by the Board.
- 31. That the Administrative Assistant of the Board shall publish the notice of the Boards Final Order as required by the Indiana County Drainage Board Code.
- 32. That the Final Order form of the Board is approved for this drain, and is adopted to the extent it can be made consistent with these Findings and the Final Order of the Board.
- 33. The costs, damages, and expenses of the reconstruction do not exceed the benefits that result to the owners of all land benefited.

Mike Watson moved that the Board approve the Findings of Fact, numbers 1 through 33, as submitted. The motion was seconded by Bill Hartman, and the motion carried. A motion was then made by Jim Miller to adopt the Petition and Surveyor's Report for the following for the drain: re-regulation of a vacated portion of the drain, combination of the drain, amended periodic maintenance, designation of an urban drain, and reconstruction. Mike Watson seconded the motion, and the motion carried.

FINAL ORDER OF RECONSTRUCTION OF THE FRED GROSCUP DRAIN NUMBER 352-00-0

The DeKalb County, Indiana Drainage Board (hereinafter referred to as "Board") now renders its Final Order (on the petition) for construction of the # Drain, the same being Number # in the records of the Surveyor of DeKalb County, Indiana.

After due consideration of all the reports, evidence, testimony, and other information presented through the course of this proceeding, the Board now enters its FINDINGS:

1. Date of Filing. That the petition herein was filed with the Surveyor of DeKalb County (hereinafter referred to as "Surveyor"), pursuant to I.C. 36-9-27-36(d), and was signed by the following landowners representing at least ten (10%) percent of the landowners in the watershed:
2. Date of Filing. No petition was filed. The Surveyor of DeKalb County (hereinafter referred to as "Surveyor") while preparing reports in reconstruction for the receiving drain, proceeded to prepare the reconstruction report for this drain on or about #
3. Jurisdiction. That the existing drain is a regulated drain and within the jurisdiction of this Board, pursuant to I.C. 36-9-27-15.
4. Report of Surveyor. That the Board referred #(the petition) herein to the Surveyor to prepare a report pursuant to I.C. 36-9-27-22(c), which report was filed and presented to this Board on #, 20##, in the Commissioners Court, Courthouse, Auburn, Indiana.
5. Combination of Regulated Drains for Assessment Purposes. That pursuant to I.C. 36-9-27-41, the Surveyor included as a part of his report the combination of certain regulated drains into one unit for the purpose of annually assessing the owners benefited for periodic maintenance, to wit:

- a. Fred Groscup North Tile Drain No. 352-60-0
- b. Fred Groscup South Tile Drain No. 352-80-0
- c. Vacated Portion of Fred Groscup Tile Drain No. 352-00-0

Notice of such proposed combination was made as follows:

- a. Pursuant to I.C. 36-9-27-41, at least ten (10) days, but not more than thirty (30) days, prior to the date of the hearing.
 - b. Written notice to each landowner was made at the same time and in the same manner as notice of the hearing on establishment of the periodic maintenance assessment.
6. Grounds for Combination. That in regard to said combination pursuant to I.C. 36-9-27-41 and upon hearing, the Board Finds:
 - a. That the drains are all tiled or all open or in the alternative, are a combination of tile and open;
 - b. Uniformity of topography and soil types throughout the unit;
 - c. That the unit represents substantially the same maintenance problem throughout;
 - d. That the drains in said unit can be kept in proper repair at a cost sufficiently uniform as to constitute no substantial inequity for any owner included in the unit;
 - e. That the creation of said unit is economically favorable and feasible with due regard to the expense of maintaining separate records for each drain if no unit were established;
 - f. That the combination or unit was originally created by reconstruction or overlaying and has created substantially one (1) drain.
 7. Schedule of Assessments. That the Board then prepared a schedule of assessments and damages pursuant to I.C. 36-9-27-50, naming each landowner benefited or damaged, his address, percent of total cost showing the amount of each assessment based on the total estimated cost of improvement, and showing the amount of each owner's annual assessment based on the total estimated cost of periodically maintaining said improvement.
 - a. Prior maintenance assessments on this drain are amended by the new maintenance assessments.
 8. Legal Notice of Hearing. Legal notice of hearing was published pursuant to I.C. 36-9-27-52(a) as follows:
 - a. In The Star, a newspaper of general circulation in DeKalb County, Indiana.

- b. On September 6, 2023, which date was not less than ten (10) days before the date of said hearing.
9. Mailed Notice of Hearing. Notice of hearing was sent on August 17, 2023, by First Class United States mail in a five-day return envelope to each owner of record named in the schedule of damages and assessments as filed with the Surveyors report herein, which notice was mailed not less than thirty (30) days, nor more than forty (40) days, prior to said hearing date, all in accordance with I.C. 36-9-27-52(a).
10. Department of Natural Resources Notice. That since the improvement proposed does not involve the construction or reconstruction of a regulated open drain, notice of said hearing was not sent to the Indiana Department of Natural Resources.
11. Objections Filed. At least five (5) days prior to said hearing, no objections were filed pursuant to I.C. 36-9-27-52(b).
12. Evidence Concerning Objections. Pursuant to I.C. 36-9-27-52(f) on or before the final hearing the Surveyor caused written evidence to be filed concerning the objections timely filed herein, which evidence is on file in the office of the Surveyor.
13. Evidence Concerning Objections. No objections filed.
14. Hearing. A hearing in connection with said improvement was held on September 21, 2023, at 9:00 a.m. in the Commissioners Court, Courthouse, Auburn, Indiana, at which hearing the objections to said petition were heard and discussed, evidence was had and considered, the proposed improvement was explained, and certain landowners were present.
15. Disposition of Objections. No objections were filed.
16. Amendments to Surveyors Report. Upon the record developed, no amendments were made by the Board to the report of the Surveyor.
17. Periodic Maintenance. That said improvement will be in need of amended periodic maintenance and the cost of periodically maintaining the proposed improvement is \$ 16,036.81 per year.
18. Reconstruction. That the present drain is in need of reconstruction.
19. Type of Improvement. That the proposed improvement is a reconstruction within the meaning of I.C. 36-9-27-34(a) in that: (include only those appropriate)
- a. It no longer can perform the function for which it was designed and constructed;
 - b. Topographical or other changes have rendered the drain inadequate to properly drain the lands affected without extensive repair or changes;
 - c. It involves conversion of open ditch to the tile ditch or vice-versa;
 - d. It adds an open or tiled ditch to the existing improvement;
 - e. It involves increasing the size of tile;
 - f. It involves deepening or widening an open ditch;
 - g. It involves extending the length of a drain;
 - h. It involves changing the course of a drain;
 - i. It involves constructing drainage detention basins or control dams;
 - j. It involves providing for erosion control or grade stabilization structures;
 - k. It involves major changes to a drainage system that would be of public utility.
23. Improvement Justification. Pursuant to I.C. 36-9-27-52(i), the Board finds that the proposed improvement will result in benefits to the watershed in excess of the costs of reconstruction in that it will:
- a. Result in reclamation of approximately # acres of agricultural land;
 - b. Result in increased safety on public highways in or near said watershed;
 - c. Result in longer life and fewer repairs of public highways in or near said watershed;
 - d. Decrease the threat of insects, pests, and their related diseases;

- e. Increase yields of farm crops from land within the watershed;
- f. Increase the values of land within the watershed;
- g. Reduce damage from flooding;

24. Special Assessments. None.

25. Damage Awards. None.

26. Reduced Benefits. None.

27. Urban Drain. That this drain is now designated as an urban drain and the easement for this drain is now reduced from seventy-five (75) foot to a forty (40) foot easement on each side of the drain at right angles to the center line of any tile drain, and to the top edge bank of an open drain under Section 36-9-27-33 of the Drainage Code.

28. Findings of Fact. After hearing all the evidence presented at the hearing for and against, the Board made the following findings:

Findings of Fact as adopted in the Minutes Book on Page 174 in the Drainage Board Minute Book Number 17.


NOW THEREFORE, IT IS ORDERED by the Drainage Board of DeKalb County, that:

- A. The Findings of Fact are adopted by the Board as true and accurate for this proceeding.
- B. The report of the Surveyor and the schedules filed herein shall be adopted # (as amended) and the improvement established. Copies of same shall be attached hereto and made a part hereof by this reference; and
- C. A periodic maintenance fund be established for the periodic maintenance of the improvement under the terms and conditions set forth in the report of the Surveyor # (as amended);
- D. Public announcement of said order is hereby made at the said hearing on this improvement; and
- E. The Administrative Assistant of the Board is directed to cause notice of this action to be published immediately in a newspaper of general circulation throughout DeKalb County, Indiana, which notice shall identify the drainage proceedings and state that the Findings and Order of the Board have been filed and are available for inspection of the Surveyor of DeKalb County, all in accordance with and pursuant to I.C. 36-9-27-52(i); and
- F. If judicial review of the Findings or Order of the Board is not requested pursuant to I.C. 36-9-27-106(a) through 36-9-27-109(a) within twenty (20) days from the date of publication of the aforesaid notice, the Findings and Order shall become conclusive and the Surveyor shall proceed to reconstruct the improvement according to law.

Dated at Auburn, Indiana, this 21st day of September, 2023.


DEKALB COUNTY DRAINAGE BOARD:


Bruce Bell, II, Chair


William L. Hartman, Member


James A. Miller, Member

Absent
Sandra M. Harrison, Vice-Chair


Michael V. Watson, Member

Mr. Bell then announced that the Board had approved the Findings, and ordered the drainage project, with instructions to the administrative assistant of the Board, to publish notice of the Findings and Order for Reconstruction, and adjourned the Public Hearing at 9:38 a.m.

Jim Miller then addressed Tami Best explaining that he was a farmer, and when a house is built it is a one-time expense, but there will be other expenses for upgrades and repairs over time, and that a drain was the same. Ms. Best replied that she felt the drain's maintenance should have been taken care of in the past and she should not be responsible for the cost of the drain reconstruction.

Mr. Bell then gaveled and stated that the Board needed to move on with the meeting.

RECONSTRUCTION PUBLIC HEARING REQUEST

JOHN KETCHAM TILE REGULATED DRAIN NO. 334-00-0

Joe Gabet of ForeSight Consulting presented a plan for the reconstruction of the *John Ketcham Tile Regulated Drain No. 334-00-0* on the west side of the City of Auburn. The project was proposed to begin at the Fifteenth Street and Grandstaff Drive intersection. The route would go west and north, then northwest to the south side of State Road 8, remaining outside of the SR8 right-of-way, along the centerline of the access drive that paralleled the highway. It would then turn and cut across SR 8 with a 24-inch tile. All tiles would be HDP starting with a 48-inch diameter and being reduced eventually to 16 inches in diameter. The plan proposed plugging the old tile that ran under the old, now demolished, Pizza Hut building and up to the east side of Interstate Highway 69 (I-69). The designed drain would carry stormwater from a 100-year rain event for the full development of the area, except for the Seven 15 Development project which would all go into the City of Auburn stormwater system.

Mr. Lanning explained that the proposal would also require that the northern, upper end, of the Ketcham on the west side of I-69 would become a part of the *Fred Groscup Jr. Tile Regulated Drain No. 335-00-0* watershed. The drainage system on the east side of I-69 would all remain in the Ketcham watershed. The plan would have the City of Auburn paying for the entire project minus the State of Indiana's Department of Transportation's portion, with the drain being turned over to the City once the reconstruction fund was zeroed out. This was similar to the previous agreement for the reconstruction of the *Fred Groscup Jr. Drain No. 335-00-0*.

Daryl McConnell Engineering Dept. Director for the City of Auburn then spoke explaining that the Auburn Crossing and Seven 15 detention ponds would outlet to the Ketcham, and that those outlets were deeper than the Ketcham currently was. Mr. McConnell also explained that INDOT planned to have an SR 8 outlet into the Ketcham with the reconstruction of that section of SR 8.

A discussion then ensued regarding the reconstruction of the Ketcham in the locations of the Auburn Crossing and the Seven 15 Development. It was determined that Auburn Crossing could relocate and reconstruct the section of the Ketcham on their property as a private tile that would tie into the Ketcham. That section of tiling would be included in the Public Hearing with a request that the private tiling become a part of the county-regulated drain. The developer was not asking for a reimbursement for the installation.

Mr. McConnell asked what the difference was between the Auburn Crossing and the Seven 15 Development being allowed to install the proposed tiling.

Ms. Kruse stated the Seven 15 Development could not construct the proposed new section of the Ketcham across their property since the developer would want to be reimbursed for the tile

installation. Which would be an unknown cost to the project and would not be able to be included in the public hearing. It changed the scope of the drain reconstruction project.

Mr. McConnell stated that the City's Redevelopment Committee might be able to cover the reimbursement to the Seven 15 developer. Although the Committee's budget for 2024 was already set. Mr. McConnell questioned whether the Committee could put the reimbursement into the 2025 budget.

Ms. Kruse recommended that all agreements be put forth in writing before a public hearing was to be scheduled so that the full scope of the project was addressed at the public hearing.

Mr. Lanning stated he agreed with Ms. Kruse that Mr. McConnell's proposals would change the scope of the project for the contractor and push back the Board ability to set a public hearing date for the project.

Mr. Gabet stated it would take anywhere from two weeks to three months to get the INDOT permits for the project which could be an issue with the changes proposed by Mr. McConnell as well.

Mr. Lanning stated that currently, the Surveyor's office was looking for a November 16, 2023, public hearing date.

Ms. Kruse reminded the Surveyor's office there was a twenty-day judicial review moratorium for the project per state drainage code. This meant that once the project was published in the newspaper, the public had twenty days to file a request for judicial review with the courts. The Surveyor could still start the request for bids with a notice regarding the possibility of a hold on the project should a judicial review be filed against the Board's decision.

Mr. McConnell stated that he was okay with the project remaining as presented and moving forward with a public hearing.

Mr. Crawford then presented the assessment scroll to the Board. Mr. Crawford asked Ms. Kruse how the state drainage code's requirement that a project that received bids more than 10% above the engineer's estimate would be handled with this project. Ms. Kruse stated the interlocal agreement between the Board and the City of Auburn stated the City would pick up the difference if the bids went over so the project should still be able to move forward.

Ms. Kruse then advised the Board that there needed to be a motion to accept the Surveyor's Report, the interlocal agreement, the engineer's estimate, the assessment rolls, and plans, and to set a public hearing date. The motion also needed to include the Auburn Crossing private tiling work to be accepted as a part of the John Ketcham Drain as per the interlocal agreement and the approved drainage plan for the development.

Bill Hartman moved to accept the Surveyor's Report, the interlocal agreement, the engineer's estimate, the assessment rolls, and plans, and to include the Auburn Crossing private tiling work to be accepted as a part of the John Ketcham Drain as per the interlocal agreement and the approved drainage plan for the development, with a public hearing date of November 16, 2023. Mike Watson seconded the motion, and the motion carried.

DISCUSSION

Mrs. Lassiter then read a letter from Milton Otero, Planning Director for the City of Garrett in response to the Board's letter of approval for a municipal building to be constructed on East Quincey Street under the Garrett water tower.



PLANNING DEPARTMENT

130 S. Randolph Street
Garrett, Indiana 46738
P. O. Box 332

Phone 260-357-4154
Fax 260-357-3002

September 13, 2023

DeKalb County Drainage Board
220 E. Seventh Street Ste: 130
Auburn, IN 46706

Subject: Drainage Plan for the Garrett Municipal Building on East Quincy Street by the City Water Tower, Garrett and Section 34 in Keyser Township

On August 3, 2023, the DeKalb County Drainage Board reviewed the drainage plan for the Garrett Municipal Building, East Quincy Street, by the City Water Tower, Garrett, and Section 34, Keyser Township. This development is located within the watersheds of the Georg Carper South Regulated Drain No. 167-80-0, the Garrett City Regulated Drain No. 44-00-0 and the Cedar Creek Regulated Open Drain No. 470-00-0.

It was concluded and approved by the Surveyor's Drainage Report and the DeKalb County Drainage Board, so long as the City of Garrett takes full responsibility for the stormwater and any additional runoff for this development.

The City of Garrett will allow a release rate equal to the 10-year existing rate into the existing public stormwater system within Quincy Street for the proposed new building area and additional hard surface.

Should you have any question before, during or after the construction of the project don't hesitate to contact my office.

Sincerely,

Milton Otero, CPM
City Planning Director

Cc: Todd Fiandt - Mayor
Marcie Conkle - Clerk Treasurer



The Board and the County Surveyor all agreed that the City of Garrett would still need to be responsible for the additional stormwaters created during a 100-year rain event from the site development and instructed the Board's secretary to send a letter to Mr. Otero stating such.

There being no further business or discussion, Mr. Bell once again thanked everyone for attending the meeting and declared the meeting adjourned at 10:22 a.m.


Bruce Bell, II, Chairman


Michelle Lassiter, Secretary